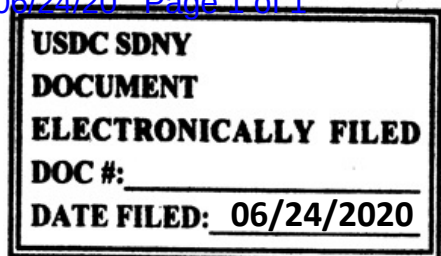


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



MODESTO VASQUEZ-GOMEZ,

Plaintiff,

18-CV-8118 (PGG) (KHP)

-against-

ORDER

UNITED STATES OF AMERICA,

Defendant.

-----X  
**KATHARINE H. PARKER, United States Magistrate Judge:**

This matter has been referred to the undersigned for report and recommendation. Having reviewed the briefing, it appears that the case law relied upon by the Defendant has been overruled by the United States Supreme Court decision in *United States v. Davis*, 139 S. Ct. 2319, 204 L. Ed. 2d 757 (2019). To the extent that *Davis* represents a change in the law, this Court deems the petition to have been filed pursuant to *Davis* and requests that Defendant file a supplemental memorandum of law by July 17, 2020 setting forth its position as to whether *Davis* requires that Petitioner be re-sentenced. The government is requested to include all post-*Davis* decisions within this Circuit addressing whether an attempt to commit a Hobbs Act robbery is a crime of violence under 18 U.S.C. § 924(c)(3)(A).

**SO ORDERED.**

DATED: New York, New York  
June 24, 2020

A handwritten signature in blue ink that reads "Katharine H. Parker".

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KATHARINE H. PARKER  
United States Magistrate Judge